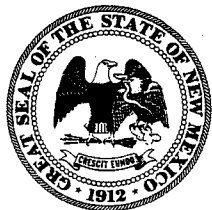


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NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 24, 2012

Mr. Randy Schmaltz
Environmental Manager
Western Refining, Southwest, Inc.
Bloomfield Refinery
P.O. Box 159
Bloomfield, New Mexico 87413

**RE: NOTICE OF DISAPPROVAL
AREA OF CONCERN (AOC) ASSESSMENT REPORT
INVESTIGATION REPORT GROUP 3 RESPONSE TO COMMENT NO. 13 OF
THE JUNE 21, 2011 APPROVAL WITH MODIFICATIONS (OCTOBER 13, 2011)
WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY
EPA ID# NMD089416416
HWB-WRB-10-001**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has received Western Refining Southwest, Inc., Bloomfield Refinery's (Western) *Response to Comment No. 13 of the June 21, 2011 Approval with Modifications – Investigation Report Group 3* (Report) dated October 13, 2011. NMED has reviewed the Report and hereby issues this notice of disapproval.

Comment 1 - Response to Comment No. 13 (Crude Sampling Rack Assessment Report):

Western states, “[t]he only material known to have been handled at the crude sampling rack is crude oil. All containers of the waste materials associated with the testing activities (e.g., excess crude oil and separated water and/or sediments) were poured down the utility sink in the crude sampling building, which drains directly to the crude sump located just north of the crude

unloading bays.” Western did not provide sufficient information concerning the utility sink and crude sump. Provide the following information in the revised Report.

- a. Indicate the operational status of the utility sink. If operations have ceased, indicate what measures have been taken to prevent unauthorized discharge to the crude sump.
- b. Indicate the operational status of the crude sump. If the crude sump is still in use, indicate if there are any plans to abandon or remove the crude sump once operations have ceased.
- c. Describe the current condition of the crude sump (e.g., dimensions, piping, catch basins, damage). In addition, explain how the waste is handled (i.e., piped to another unit or manually removed), the frequency it is emptied and cleaned, and indicate if there are any documented releases.
- d. Provide a scaled figure of the crude sampling rack, the sampling and analysis building, the crude sump, and the crude unloading bays. Include all piping and ancillary equipment.
- e. Provide photographs of the crude sump in relation to the sampling and analysis building, crude sampling rack, and crude unloading bays.
- f. Provide a figure of the crude sump with dimensions and process piping.

Propose collection of soil samples at the crude sump to determine if a release occurred. Submit a work plan that includes proposed investigation activities and the aforementioned information. Samples must be collected to depths at least five feet directly below the base of the crude sump and adjacent to the crude sump to evaluate for releases. All samples collected must be analyzed for total petroleum hydrocarbons (TPH) as diesel range organics (DRO), gasoline range organics (GRO), and oil range organics (ORO) and include Skinner List Metals, volatile organic compounds (VOCs), and semivolatile organic compounds (SVOCs).

Comment 2 - Response to Comment No. 13 (Diesel AST Assessment Report):

Western states, “[the diesel aboveground storage tank (AST)] was used to store diesel in the past for limited fueling of company vehicles. The tank is believed to have been put into service [prior] to 1982 and was taken out of service before November 2008. The tank is made of welded steel and has an estimated capacity of 300 barrels. The tank sits on top of a concrete slab and thus any releases from the tank would be readily apparent; however, no indications of any releases have been reported.” Submit a work plan to investigate the AST fuel lines and dispensers to confirm that there were no releases at the site. Propose to collect samples along the

fuels lines to the pumps and include the proposed sample locations on a figure depicting the fuel lines, the diesel AST, and the pumps in the revised Report. The samples must be analyzed for DRO, ORO, GRO, Skinner List Metals, VOCs, and SVOCs.

Comment 3 - Response to Comment No. 13 (Diesel Pumps Assessment Report):

Western states, “[t]he diesel pumps were used to dispense fuel for company vehicles. There are two pumps located in one central island, which has a concrete apron on both sides of the pumps to help contain any small spills that may [occur] during fueling of vehicles. Each concrete apron is sloped to a center concrete sump, which is designed to capture small spills. The pumps are estimated to have been put into service prior to 1982 and were taken out of service in November 2008.” Provide the following information in the revised Report.

- a. Describe the concrete sump (i.e., if it is closed at the bottom or if it drains to another unit). Indicate if any releases or overflows from the sump have occurred.
- b. Indicate the operational status of the sump. If the sump is still in use, indicate if there are any plans to remove or abandon the sump once operations have ceased. In addition, describe the current condition of the sump, the dimensions, and any piping that connects to other wastewater facilities.
- c. Provide a scaled figure of the diesel pumps and sump including the location of the diesel AST in relation to the pumps. Include fuel lines, piping, and ancillary equipment (*see* Comment 2, above).
- d. Propose to collect samples beneath and in the vicinity of the fuel lines, pumps, and sump (*see* Comment 2) to evaluate for releases.

Western may propose to combine this investigation with other work scheduled at the facility. Western must provide a work plan with figures that identify the proposed sample locations at each area of investigation in accordance with the requirement of the July 27, 2007 Order (Order) including a proposed schedule for conducting the work.

Comment 4

Figure 1 (AOC Location Map) shows the topography and general overview of the Bloomfield Refinery; however, the figure does not depict the crude oil sampling rack, diesel AST, and diesel pumps in relation to the other process equipment. Provide a more detailed Figure 1 that shows the crude oil sampling racks, the diesel AST, and the diesel pumps in relation to nearby features and ancillary equipment (*see* Comments 2 and 3, above).

R. Schmaltz
February 24, 2012
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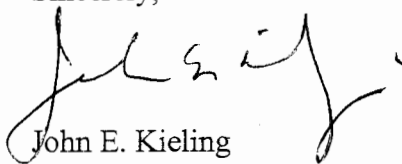
Comment 5

Attachment A (Photographs) contains photographs of the crude sampling rack, analysis building, diesel AST, and diesel pumps. In future submittals, provide page numbers on all photographs.

Western must address all comments in this NOD and submit a revised AOC Assessment Report to NMED on or before **May 18, 2012**. The AOC Assessment Report must be prepared in accordance with Section IV.B.8 of the Order. The work plan referenced in Comments 1, 2, and 3 must be submitted to NMED by **June 15, 2012**.

If you have any questions regarding this letter, please contact Leona Tsinnajinnie of my staff at (505) 476-6057.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
L. Tsinnajinnie, NMED HWB
C. Chavez, OCD
A. Hains, Western Refining Company, El Paso, Texas

File: HWB-WRB-10-001 and Reading 2012